IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.297 OF 2002
IN
CIVIL REVISION APPLICATION(STAMP)NO.26007/2002

Bhavanrao Venkatrao Nadgauda & Ors. ..Applicants.

V/s.
Vishnu Krishna Dhadphale & Ors. ...Respondents.

Shri.S.S. Swadi i/b S.G. Deshmukh for applicants.
Shri.A.V. Anturkar for respondent No.6 absent.

CORAM : D.G.KARNIK, J.
DATED : 22/08/2006

P.C.:-

1. This civil application is filed for condonation of delay of 1463 days in filing the civil revision application(for short C.R.A).

2. Original defendent No.1 in special suit No.25/92 died on 25th June, 1997 and the application for bringing his heirs on record was made by plaintiffs on 16th December, 1997. The application was allowed. That order is challenged in the C.R.A. The C.R.A. been filed on 12th July, 2002 i.e. after lapse of more than five years. Present civil application is filed for condonation of delay in filing the C.R.A.

3. The delay which is gross and of nearly five years, has not been satisfactorily explained. Original defendant No.1 died on 25th July, 1997 and application was made on 16th December, 1997 i.e. after lapse of five months 22 days. Plaintiff was required to apply for bringing the legal heirs of original defendant No.1 on record within 90 days and further 60 days were allowed for making an application for setting aside the abatement. The learned Judge was right in granting application for bringing heirs on record as the delay was marginal and only of a few day. Under these circumstances, there is no need to interfere in the order impugned in the C.R.A. and further postpone the proceedings. For these reasons, civil application is dismissed.

D.G.KARNIK, J.